

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ADVANTAGE SKY SHIPPING LLC, and M/T
“ADVANTAGE SKY”,

Plaintiff,

v.

ICON EQUIPMENT AND CORPORATE
INFRASTRUCTURE FUND FOURTEEN
LIQUIDATING TRUST,

Defendant.

Civil Action No. 19-cv-05065

ECF CASE

DECLARATION OF OLIVER BEIERSDORF

I, Oliver Beiersdorf, declare as follows:

1. I am a partner at the firm Reed Smith, LLP, counsel for Defendant ICON Equipment and Corporate Infrastructure Fund Fourteen Liquidating Trust (the “Trust”) in the above-captioned lawsuit. I am licensed to practice law in the State of New York, am over the age of eighteen, and have personal knowledge of the statements set forth herein.

2. I respectfully submit this declaration in support of the Trust’s motion to dismiss the above-captioned action and vacate the *ex parte* Rule B attachment of the Trust’s assets, along with such further relief as the Court deems proper, including an award of costs and attorney fees.

3. Attached as Exhibit A hereto is a true and correct copy of an affidavit of Catherine Vivien Pitman, dated August 30, 2018, which was filed in the action that the ICON SPVs commenced in the High Court of South Africa (the “South African Court”) on August 30, 2018 (the “South African Action”).

4. Attached as Exhibit B hereto is a true and correct copy of a Claim Form submitted by ICON Amazing LLC in the High Court of Justice, Business and Property Courts of England and Wales, Commercial Court, dated June 11, 2018.

5. Attached as Exhibit C hereto is a true and correct copy of a Claim Form submitted by ICON Fantastic LLC in the High Court of Justice, Business and Property Courts of England and Wales, Commercial Court, dated June 11, 2018.

6. Attached as Exhibit D hereto is a true and correct copy of the Verified Amended Complaint of ICON Octavian Center LLC, in the action *ICON Octavian Center, LLC v. Center Navigation, Ltd. And Geden Holdings Ltd.* (N.Y. Sup. Ct. N.Y. Cty. Index No. 655154/2016), dated November 10, 2017.

7. Attached as Exhibit E hereto is a true and correct copy of a presentation entitled “Project Hermitage Restructuring,” dated March 6, 2013.

8. Attached as Exhibit F hereto are true and correct copies of orders issued by the South African Court, authorizing the arrest of the vessel Advantage Sky (the “Vessel”), dated August 30, 2018.

9. Attached as Exhibit G hereto is a true and correct copy of an application to set aside the arrest of the Vessel, dated September 10, 2018, which was filed in the South African Action by Plaintiffs in this action.

10. Attached as Exhibit G hereto is a true and correct copy of an application to set aside the arrest of the Vessel, dated September 10, 2018, which was filed in the South African Action by Plaintiffs in this action.

11. Attached as Exhibit I hereto is a true and correct copy of an Order issued by the South African Court, dated April 5, 2019.

12. Attached as Exhibit J hereto is a true and correct copy of a document entitled “Applicants’ Supplementary Heads of Argument,” dated April 24, 2019, which was filed in the South African Action by Plaintiffs in this action.

13. Attached as Exhibit K hereto is a true and correct copy of a document entitled “Respondents’ Supplementary Heads of Argument,” dated April 24, 2019, which was filed in the South African Action by the ICON SPVs.

14. Attached as Exhibit L hereto is a true and correct copy of an Order issued by the South African Court, dated April 25, 2019.

15. Attached as Exhibit M hereto is a true and correct copy of a Letter of Undertaking, and an authorizing Action by Written Consent of the Managing Trustee of Icon Equipment and Infrastructure Fund Fourteen Liquidating Trust, both dated April 25, 2019 and executed in New York, New York.

16. Attached as Exhibit N hereto is a true and correct copy of an email from Andrew Clark (counsel to Plaintiffs in the South African Action) to Tony Norton (counsel to the ICON SPVs in the South African Action), dated May 2, 2019.

17. Attached as Exhibit O hereto is a true and correct copy of an email from Andrew Clark (counsel to Plaintiffs in the South African Action) to Tony Norton (counsel to the ICON SPVs in the South African Action), dated May 7, 2019.

18. Attached as Exhibit P hereto is a true and correct copy of a Letter of Undertaking, and an authorizing Action by Written Consent of the Managing Trustee of Icon Equipment and Infrastructure Fund Fourteen Liquidating Trust, both dated May 14, 2019 and executed in Wilmington, Delaware.

19. Attached as Exhibit Q hereto is a true and correct copy of a transcript of the deposition of Mark Gatto, dated May 23, 2018.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 11th day of June, 2019 in New York, New York.

/s/ Oliver Beiersdorf
Oliver Beiersdorf